

**BOARD OF NURSING  
MEETING MINUTES  
OCTOBER 1, 2009**

**PRESENT:** June Bahr, Marilyn Kaufmann, Gretchen Lowe, Evelyn Merriett, Julia Nelson, Kathleen Sullivan, Lou Ann Weix, Margaret Wood

**EXCUSED:** None.

**STAFF:** Jeff Scanlan, Bureau Director; Colleen Baird, Legal Counsel; Kimberly Wood, Bureau Assistant and other DRL Staff

**GUESTS:** Jeremy Levin, Rural Wisconsin Health Care (RWHC); Constance Jicha, MSN Student/WNA; Carrie Voss, APNP; Linda Denise Oakley, UW Madison

**CALL TO ORDER**

Marilyn Kaufmann, Chair, called the meeting to order at 9:09 a.m. A quorum of eight (8) members was present.

**APPROVAL OF AGENDA**

**Amendments to the Agenda:**

- After Item “A” (open session) Add under “Administrative Report”:
  - “Division of Enforcement – Marvin Robinson, Administrator – Division of Enforcement (DOE); Gil Lubcke, DOE Prosecutor; Bruce Cameron, Special Assistant to the Secretary
    - Changes to the Complaint Screening Process
    - 18 Month Project – Update
  - “Practice Question Presentation – Rebecca McAtee, DRL Board Services Intern”
- After Item “K” (closed session) Addition – “Deliberation of Monitoring Received After Mailing of Agenda:
  - Cheryl Miller, LPN – Requesting Modification of Order
  - Debra Murphy, RN – Requesting Modification of Order
- After Item “R” (closed session) Add – Deliberation of Proposed Stipulation and Final Decision and Order
  - Cheryl L. Hutchins, LPN (08 NUR 314 & 09 NUR 257)

**MOTION:** Kathleen Sullivan moved, seconded by Julia Nelson, to approve the October 1, 2009 agenda as amended. Motion carried unanimously.

## ELECTIONS FOR 2010

**MOTION:** June Bahr moved, seconded by Margaret Wood, to re-elect the 2009 slate of officers for 2010. Motion carried unanimously.

Marilyn Kaufmann, Chair, called three (3) times for nominations.

2010 ELECTION RESULTS	
Board Chair	Marilyn Kaufmann
Vice Chair	Kathleen Sullivan
Secretary	Julia Nelson

## APPROVAL OF MINUTES OF SEPTEMBER 3, 2009

### Amendments to the Minutes:

- Page 1 of the Minutes: Correction as follows: ~~Lou Ann~~ Lou Ann Weix
- Page 3 of the Minutes: Correct the first motion on the page as follows: "...to endorse changes in the frequency of urine screens in the 1<sup>st</sup> year to forty-eight (48) times per year plus one (~~one~~ **1**) annual **hair** test..."
- Page 6 of the Minutes: Under the header "Closed Session" in the corresponding motion add Lou Ann Weix to the roll call listing.
- Page 9 of the Minutes: Under the header "Monitoring" – add a reason for denial the motion concerning Cynthia Meyer, RN's request for reinstatement, as follows: "Reason for Denial: Per Board Order."
- Page 10 of the Minutes: Under the motion for Shelley Homes – add the word "meeting" at the end of the motion.
- Page 11 of the Minutes: Correct the motion concerning the stipulation for Linda L. Huff, RN (06 NUR 134) to indicate acceptance rather than rejection.

**MOTION:** Julia Nelson moved, seconded by June Bahr, to approve the minutes of September 3, 2009 as amended. Motion carried unanimously.

## ADMINISTRATIVE REPORT

Jeff Scanlan advised the Board of the upcoming board chair and vice chairperson training to occur in December. Mr. Scanlan advised the Board about presentations by Department staff and announced Secretary Jackson would be addressing the Board regarding the implementation of the Medical Board bureau. A number of Department staff were present for portions of the administrative report, including: Marvin Robinson Jr., Administrator – Division of Enforcement (DOE); Gil Lubcke, DOE Attorney; Bruce Cameron, Special Assistant to the Secretary; Celia Jackson, Secretary – Department of Regulation and Licensing (DRL); Hector Colon, Executive Assistant – DRL; and Gail Sumi, Administrator – Division of Board Services.

Secretary Jackson addressed the Board about the implementation of the Bureau of the Medical Examining Board, which was created in the Department (via the State Budget Bill) for facilitating the regulation of the Medical Examining Board and its Affiliated Credentialing

Boards, Committees and Councils. Secretary Jackson provided the Board an opportunity to ask questions regarding changes in the Department staffing resulting from the new bureau.

**Division of Enforcement – Marvin Robinson, DOE Div. Administrator; Gil Lubcke, DOE Prosecutor; Bruce Cameron, Special Assistant to the Secretary**

Marvin Robinson, Administrator – DRL Division of Enforcement (DOE), addressed the Board regarding initiatives undertaken by DOE prior to the presentations provided at today's meeting and requested input from the Board.

**Changes to the Complaint Screening Process – Elimination of Department Pre-Screening**

Gil Lubcke and Marvin Robinson informed the Board of changes in the complaint screening process. The Division of Enforcement indicated that it will no longer prescreen cases and as such, the Board will be responsible for screening all incoming cases. Historical data pertaining to the screening process was provided by Gil Lubcke. Mr. Lubcke advised the Board that the reason for the change in the screening process was to put all the cases in the hands of the board members and to streamline the process. Discussion of the past and present case screening process ensued. The Board expressed surprise that the DOE changed the policy without prior notification of the Board. Further, Board screening staff noted that their caseload increased substantially. Because of the increased workload, the Board considered the potential of changing the screening panel rotation to distribute the workload.

In follow-up, the Board advised DOE representatives about difficulties raised with teleconferenced meetings of the screening panel. Marvin Robinson advised that he would investigate the current procedure for telephone connections for opportunities to improve the process.

**18 Month Project – Update**

Bruce Cameron, Special Assistant to the Secretary, appeared before the Board to present the Department's 18-month case closing project. Secretary Jackson and Bruce Cameron answered questions about the project and heard Board feedback. Mr. Cameron advised the Board that the committee was working on a flow chart for streamlining case processing. The Board inquired about the flowchart and Mr. Cameron offered that the flowchart is changing; however, one would be available for the next meeting. The Board asked for updates on the committee's progress and Mr. Cameron advised that the status of 18-month case closing project would be provided to the Board on a quarterly basis. Mr. Cameron requested input from individual board members for improvement and that Board members may e-mail suggestions and ideas regarding the case closing project to Jeff Scanlan for compilation and review.

**Practice Question Presentation – Rebecca McAtee, DRL Board Services Intern**

The Board deferred this presentation to a future meeting owing to time restraints.

## **REVIEW OF NATIONAL COUNCIL OF STATE BOARDS OF NURSING'S TERCAP® PROGRAM (TAXONOMY OF ERROR, ROOT CAUSE ANALYSIS, AND PRACTICE-RESPONSIBILITY)**

Discussion of this item was deferred to a future meeting.

### **REVIEW OF THE STANDARD IMPAIRMENT ORDER, DISCUSSION**

Sharon Henes came before the Board to present language for standard stipulations in drug diversion cases (cases in which a Nurse stipulates to drug diversion, impairment and/or abuse and addiction). Board review and discussion of the standardized language ensued. Once approved, this stipulation will be used by all Division of Enforcement Attorneys as requested by the Board. Changes to the order language proposed at today's meeting were identified and a revised version of this document will be brought to a future meeting. The Board requested the attendance of Jeanette Lytle and Sharon Henes at its next meeting.

### **LETTER FROM GINA DENNIK CHAMPION, WISCONSIN NURSES ASSOCIATION, TO WISCONSIN BOARD OF NURSING, REGARDING REQUEST FOR THE BOARD OF NURSING TO CONFIRM THAT THE PROVISION OF PSYCHOTHERAPY IS WITHIN THE SCOPE OF PRACTICE OF NURSING FOR APPROPRIATELY QUALIFIED NURSES**

The Board received a report on the discussion of this topic, which occurred at today's Practice Committee meeting. Please refer to the report provided by Kathleen Sullivan under the "Report of Practice Committee" provided below.

### **REPORT OF EDUCATION AND LICENSURE COMMITTEE**

Marilyn Kaufmann reviewed the actions taken at the October 1, 2009 Education and Licensure Committee meeting.

#### **Review of Draft "NCLEX Pass Rate Monitoring Procedure"**

**COMMITTEE MOTION:** Lou Ann Weix moved, seconded by Evelyn Merriett, to recommend the authorization of a position paper titled "NCLEX Pass Rate Monitoring Procedure" after adding examples of the Z-scores, extracted from the educational administrator guidelines. Motion carried unanimously.

**BOARD MOTION:** Lou Ann Weix moved, seconded by Margaret Wood, to accept the recommendation for authorization of a position paper titled "NCLEX Pass Rate Monitoring Procedure" after adding examples of the Z-scores, extracted from the administrator guidelines. Motion carried unanimously.

### **Silver Lake College Request to Offer BSN Completion Program**

***COMMITTEE MOTION:*** Lou Ann Weix moved, seconded by Evelyn Merriett, to recommend approval of the teaching of a BSN completion program at Silver Lake College's Wausau site. Motion carried unanimously.

**BOARD MOTION:** Gretchen Lowe moved, seconded by Lou Ann Weix, to accept the recommendation for approval of the teaching of a BSN completion program at Silver Lake College's Wausau site. Motion carried unanimously.

### **REPORT OF PRACTICE COMMITTEE**

Kathleen Sullivan reported to the Board regarding actions, which occurred at today's Practice Committee meeting.

### **Is the Provision of Psychotherapy within the Scope of Practice of Nursing for those Nurses Who Are Appropriately Qualified?**

***COMMITTEE MOTION:*** Lou Ann Weix moved, seconded Gretchen Lowe, to recommend that the Board confirm that the provision of psychotherapy is within the scope of practice of nursing for those nurses who are appropriately qualified by education, training, and experience. Motion carried unanimously.

**BOARD MOTION:** Margaret Wood moved, seconded by Julia Nelson, to accept the recommendation that the Board confirm that the provision of psychotherapy is within the scope of practice of nursing for those nurses who are appropriately qualified by education, training, and experience. Motion carried unanimously.

### **INFORMATIONAL ITEMS**

None.

### **PUBLIC COMMENTS**

Linda Oakley, Ph.D., Professor – UW School of Nursing, attended and noted that she is responsible for the psychiatric advanced practice-nursing program at the University of Wisconsin. Comments were provided expressing support by the UW School of Nursing for the recognition of psychotherapy as an acceptable area of practice by advanced practice nurses.

## **CLOSED SESSION**

**MOTION:** Evelyn Merriett moved, seconded by Julia Nelson, to convene to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberate on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Enforcement case status reports. Roll Call Vote: June Bahr-yes; Marilyn Kaufmann-yes; Gretchen Lowe-yes; Evelyn Merriett-yes; Julia Nelson-yes; Kathleen Sullivan-yes; Lou Ann Weix-yes; Margaret Wood-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:11 a.m.

## **RECONVENE TO OPEN SESSION**

**MOTION:** Julia Nelson moved, seconded by Evelyn Merriett, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 1:28 p.m.

## **VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF VOTING IS APPROPRIATE**

**MOTION:** Evelyn Merriett moved, seconded by Lou Ann Weix, to reaffirm all motions made in closed session. Motion carried unanimously.

## **IMPAIRED PROFESSIONALS PROGRAM (IPP) RECEIVED AFTER THE MAILING OF THE AGENDA**

None.

## **REVIEW OF APPLICATIONS**

None.

## **REVIEW OF APPLICATIONS RECEIVED AFTER THE MAILING OF THE AGENDA**

None.

**MONITORING****CARRIE VOSS, RN  
REQUESTING FULL LICENSURE**

Carrie Voss, RN appeared before the Board to their answer questions.

**MOTION:** June Bahr moved, seconded by Lou Ann Weix, to grant Carrie Voss, RN's request for full licensure. Motion carried unanimously.

**SHELLEY HOLMES, RN  
REQUESTING REINSTATEMENT OR STAY**

Shelley Holmes, RN appeared to answer questions posed by the Board.

**MOTION:** Julia Nelson moved, seconded by Lou Ann Weix, to grant Shelley Holmes, RN a stay of suspension for the sole purpose of completing a Board approved nurse refresher course with expiration to occur one (1) year from date of issuance. Upon successful completion of the refresher course the Department will issue a continuous stay of suspension contingent upon, the following terms and conditions: Petitioner may practice in an adult population clinic setting pre-approved by the Board or its designee, provided that she is under the direct supervision of a registered nurse; petitioner may practice in a work-setting pre-approved by the Board or its designee in which she has no patient contact provided that she is under the indirect supervision of a registered nurse. Petitioner may not work in a home health care, hospice, pool nursing, or nurse agency setting, but alternate work-settings may be considered and approved by the Board in its sole discretion. Petitioner must refrain from all patient assessments and interventions unless these practices are performed under a plan of supervision acceptable to the Board or its designee, which shall describe the patient population served, the kinds of assessments and interventions permitted to be performed by the petitioner, whether or when the interventions may be conducted without the physical presence of another, and whether or when assessments must be verified prior to implementation of an intervention based upon the assessment. Petitioner shall arrange for quarterly written work reports from her supervisor to be provided to the Board Monitor on a quarterly basis. While seeking work or working as a nurse in any practice setting, petitioner shall receive psychotherapy with a mental health care professional for a minimum of bi-weekly sessions to help her deal with finding a job, returning to a work situation, and readjusting to the demands of being a nurse. The duration of the petitioner's treatment shall be determined by the health care provider with written notice to the Board or its designee. Petitioner shall arrange for her mental health care provider to submit formal written reports to the Department Monitor on a quarterly basis. Petitioner shall comply with the terms and conditions of the DHFS Rehabilitation Review Conditional Approval dated August 30, 2007, while working in a

regulated facility and shall provide copies of any action by DHFS in regard to the conditional approval and provide a copy of all Board of Nursing Orders to the supervisory personnel at her workplace. Motion carried unanimously.

**LESLIE BRANDON, LPN  
REQUESTING FULL LICENSURE**

**MOTION:** Gretchen Lowe moved, seconded by Evelyn Merriett, to grant Leslie Brandon, LPN's, request for full licensure. Motion carried unanimously.

**DUANE OLLIE, RN  
REQUESTING FULL LICENSURE**

**MOTION:** Julia Nelson moved, seconded by Margaret Wood, to deny Duane Ollie, RN's, request for full licensure, decrease the frequency of urine screens to twenty-eight (28) per year plus one (1) annual hair test and to require the continued submission of work reports. Reason for Denial: Failure to complete five (5) years under Board Order. Motion carried unanimously.

**RICHARD ROMER, RN  
REQUESTING STAY**

**MOTION:** Kathleen Sullivan moved, seconded by Lou Ann Weix, to grant Richard Romer, RN's request for a continuous stay of suspension. Motion carried unanimously.

**ELLEN PIERCE, RN  
REQUESTING MODIFICATION**

**MOTION:** June Bahr moved, seconded by Evelyn Merriett, to grant Ellen Pierce, RN's, request for decrease in the frequency of urine screens to twenty-eight (28) per year plus one (1) annual hair test until such time as nursing employment has been obtained. Motion carried unanimously.

**TRACEY RIEL, RN  
REQUESTING MODIFICATION**

**MOTION:** Julia Nelson moved, seconded by Gretchen Lowe, to suspend Tracey Riel, RN's, license and to deny her request for modification. Reason for Denial: Unexplained positive drug screens. Motion carried unanimously.



**DELIBERATION OF MONITORING RECEIVED AFTER MAILING OF AGENDA****CHERYL MILLER, LPN  
REQUESTING MODIFICATION OF ORDER**

**MOTION:** Kathleen Sullivan moved, seconded by Julia Nelson, to grant Cheryl Miller, LPN's, request for access, to terminate the requirement for NA only if therapy resumes, to decrease the frequency of urine screens to twenty-eight (28) plus one (1) annual hair test and to deny the request to lift work setting restrictions. No additional petitions may be submitted for one (1) year from October 1, 2009. Reason for Denial: Access was granted. Motion carried unanimously.

**DEBRA MURPHY, RN  
REQUESTING MODIFICATION OF ORDER**

**MOTION:** Julia Nelson moved, seconded by Evelyn Merriett, to grant Debra Murphy RN's, request for a decrease in the frequency of urine screens to twenty-eight (28) plus one (1) annual hair test. The Board noted that therapy requirements are addressed in the Board Order. Motion carried unanimously.

**DELIBERATION OF PROPOSED STIPULATION AND FINAL DECISION AND ORDER****MARISA L. ASLESON, LPN  
(06 NUR 077)**

**MOTION:** Gretchen Lowe moved, seconded by Lou Ann Weix, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Marisa L. Asleson, LPN (06 NUR 077). Motion carried unanimously.

**JACQUELINE R. COLE, RN  
(09 NUR 191)**

**MOTION:** June Bahr moved, seconded by Julia Nelson, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Jacqueline R. Cole, RN (09 NUR 191). Motion carried unanimously.

**ROXANNE DAVIS, LPN  
(04 NUR 038, 04 NUR 074)**

**MOTION:** Gretchen Lowe moved, seconded by Kathleen Sullivan, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Roxanne Davis, LPN (04 NUR 038, 04 NUR 074). Motion carried unanimously.

**KATHLEEN MARY GASZAK, RN  
(09 NUR 180)**

**MOTION:** Julia Nelson moved, seconded by Kathleen Sullivan, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Kathleen Mary Gaszak, RN (09 NUR 180). Motion carried unanimously.

**MARGUERITE M. HEMILLER, LPN  
(06 NUR 386)**

**MOTION:** Kathleen Sullivan moved, seconded by Julia Nelson, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Marguerite M. Hemiller, LPN (06 NUR 386). Motion carried unanimously.

**JEANNE KELLEY, RN  
(04 NUR 072)**

**MOTION:** Kathleen Sullivan moved, seconded by Julia Nelson, the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Jeanne Kelley, RN (04 NUR 072). Motion carried unanimously.

**LYNN ANN MUCCIO, LPN  
(08 NUR 359)**

**MOTION:** June Bahr moved, seconded by Lou Ann Weix, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Lynn Ann Muccio, LPN (08 NUR 359). Motion carried unanimously.

**DELIBERATION OF PROPOSED STIPULATIONS  
RECEIVED AFTER MAILING OF AGENDA**

**CHERYL L. HUTCHINS, LPN  
(08 NUR 314, 09 NUR 257)**

**MOTION:** Julia Nelson moved, seconded by Evelyn Merriett, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Cheryl L. Hutchins, L.P.N. (08 NUR 314, 09 NUR 257). Motion carried unanimously.

**DELIBERATION OF ISSUANCE OF ADMINISTRATIVE WARNING**

**MOTION:** June Bahr moved, seconded by Kathleen Sullivan, to issue an administrative warning in the matter of case number 08 NUR 349. Motion carried unanimously.

**DELIBERATION OF ADMINISTRATIVE WARNINGS RECEIVED AFTER MAILING  
OF AGENDA**

None.

**DELIBERATION OF ORDERS FIXING COSTS RECEIVED AFTER MAILING OF  
AGENDA**

None.

**DELIBERATION OF PROPOSED FINAL DECISIONS AND ORDERS**

None.

**DELIBERATION OF PROPOSED FINAL DECISIONS AND ORDERS IN THE  
MATTER OF DISCIPLINARY PROCEEDINGS RECEIVED AFTER MAILING OF  
AGENDA**

None.

**DELIBERATION OF PETITIONS FOR RE-HEARINGS THAT MAY BE SIGNED  
AFTER MAILING OF AGENDA**

None.

## **DIVISION OF ENFORCEMENT CASE STATUS REPORT & CASE CLOSINGS**

### **06 NUR 419**

**MOTION:** Kathleen Sullivan moved, seconded by June Bahr, to close case 06 NUR 419 for insufficient evidence. Motion carried unanimously.

### **06 NUR 424**

**MOTION:** Gretchen Lowe moved, seconded by Evelyn Merriett, to close case 06 NUR 424 for insufficient evidence. Motion carried unanimously.

### **06 NUR 054**

**MOTION:** Kathleen Sullivan moved, seconded by Lou Ann Weix, to close case 06 NUR 054 for prosecutorial discretion (P5). Motion carried unanimously.

### **06 NUR 083**

**MOTION:** Kathleen Sullivan moved, seconded by Evelyn Merriett, to close case 06 NUR 083 for insufficient evidence. Motion carried unanimously.

### **08 NUR 026**

**MOTION:** June Bahr moved, seconded by Kathleen Sullivan, to close case 08 NUR 026 for no violation. Motion carried unanimously.

### **06 NUR 093**

**MOTION:** June Bahr moved, seconded by Lou Ann Weix, to close case 06 NUR 093 for no violation. Motion carried unanimously.

### **06 NUR 241**

**MOTION:** Kathleen Sullivan moved, seconded by Lou Ann Weix, to close case 06 NUR 241 for prosecutorial discretion (P1). Motion carried unanimously.

## **OTHER BOARD BUSINESS**

The Board requested that Cathy Pond, Administrator, DRL Office of Professional Credentialing look into establishing a checkbox for online renewal that states that the licensee has not been convicted since they were initially licensed or from last time of renewal. The board advised that in their opinion, there should be a check box for conviction. The Board asked Cathy Pond to appear before the board about this issue to advise on if this can be implemented and how quickly this can be fixed.

The Board mentioned as a future agenda discussion about limits for retaking of nursing examinations and providing a limit for test authorization (e.g. two year limit for test authorization).

## **ADJOURNMENT**

**MOTION:** Lou Ann Weix moved, seconded by June Bahr, to adjourn the meeting.  
Motion carried unanimously.

The meeting adjourned at 1:34 p.m.